

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DAVID ALBERTS, Ph.D.,

Plaintiff,

vs.

ROSHANNE ETEZADY, et al.,

Defendants.

CASE NO. 10CV15 DMS (AJB)

**ORDER DIRECTING SERVICE
BY UNITED STATES MARSHALL**

Plaintiff, a nonprisoner proceeding pro se, has filed a complaint alleging copyright infringement. Plaintiff did not pay the \$350 civil filing fee required to commence this action, but rather, filed a Motion to Proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a). (Doc. 2.) The Court granted leave to proceed *in forma pauperis* on January 13, 2010. (Doc. 3.)

Any complaint filed pursuant to the IFP provisions of 28 U.S.C. § 1915(a) is subject to a mandatory and *sua sponte* review and dismissal by the Court, if it finds the Complaint is “frivolous, malicious, failing to state a claim upon which relief may be granted, or seeking monetary relief from a defendant immune from such relief.” 28 U.S.C. § 1915(e)(2)(B); *Calhoun v. Stahl*, 254 F.3d 845, 845 (9th Cir. 2001) (“[T]he provisions of 28 U.S.C. § 1915(e)(2)(B) are not limited to prisoners.”). Here, however, the Court, having conducted its initial review of Plaintiff’s Complaint, finds it sufficient to survive the screening provisions of § 1915(e)(2). Accordingly:

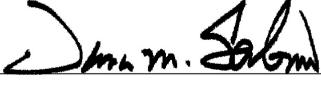
1. The United States Marshal shall serve a copy of the Complaint, summons and this

1 Order, as well as the Order granting Plaintiff leave to proceed *in forma pauperis* (Doc. 3) upon
2 Defendants as directed by Plaintiff on U.S. Marshal Form 285. All costs of service shall be advanced
3 by the United States.

4 2. Plaintiff shall serve upon Defendant or, if appearance has been entered by counsel, upon
5 Defendant's counsel, a copy of every further pleading or other document submitted for consideration
6 of the Court. Plaintiff shall include with the original paper to be filed with the Clerk of the Court a
7 certificate stating the manner in which a true and correct copy of any document was served on the
8 Defendant or counsel of Defendant and the date of service. Any paper received by a district judge or
9 magistrate judge which has not been filed with the Clerk or which fails to include a Certificate of
10 Service will be disregarded.

11 **IT IS SO ORDERED.**

12 DATED: February 16, 2010

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14 HON. DANA M. SABRAW
15 United States District Judge

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